

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) **MAIL STOP PATENT APPLICATION**
Isabelle NONOTTE et al.)
Application No.:) Group Art Unit:
Filed: September 22, 2003)
For: MANGANESE COMPOSITIONS FOR) Examiner:
TREATING SKIN VASCULAR TISSUE) Confirmation No.:
AND COMBATING SKIN PALLOR) Continuation of Appln. No. 09/859,392,
) filed May 18, 2001
)

**INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

- No additional fee for submission of an IDS is required.
 The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
 A statement under 37 C.F.R. § 1.97(e) is also enclosed.
 A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
 Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
 A check in the amount of \$ _____ is enclosed for the fee due.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 22, 2003

By: Mary Katherine Baumeister
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**FIRST
INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In compliance with the requirements of 37 C.F.R. §§ 1.56, 197 and 1.98, applicants are filing herewith a Form PTO-1449 listing documents for the consideration of the Examiner. Also enclosed is a copy of a Search Report issued for applicants' French priority application.

All of the listed documents were previously made of record by applicants or by the Examiner in prior Appln. No. 09/859,392, filed May 18, 2001, upon which applicants rely under 35 U.S.C. § 120. In accord with 37 C.F.R. § 1.98, copies of these documents are not required to be filed herein.

The Examiner's attention is directed to copending application number 09/859,384, naming Isabelle Nonotte and Lionel Breton as inventor(s) and filed on May 18, 2001, and the documents cited therein. As the copending application was also made of record in parent Appln. No. 09/859,392 and a copy provided therein, a further copy is not provided.

 **In accordance with M.P.E.P. § 609(c)(2) (August 2001, page 600-131), the Office is requested to return a copy of this Information Disclosure Statement with the Examiner's initials adjacent to this paragraph indicating that this copending application has been considered. By citation to the copending application, confidentiality is not waived and the Office is requested to maintain the confidentiality of the copending application under 35 U.S.C. § 122.**

The documents listed on the accompanying Form PTO-1449 are in English except for EP 0770392, WO 99/62481, FR 2791260 and FR 2612775. Consideration of these French-language documents is requested. Applicants are providing the following statements of relevance for these non-English language documents:

EP 0770392 was accompanied by a full English translation thereof when submitted in parent Appln. No. 09/859,392; a further copy of the translation is therefore not required. This document relates to the use of a lanthanide, tin, manganese or yttrium salt as a substance P antagonist. EP 0770392 is cited in the French Search Report, in particular its claims, as a category "A"/general state-of-the-art reference. Applicants do not believe this reference is detrimental to patentability herein.

WO 99/62481 includes an English-language abstract. A separate English abstract/patent family search was also appended to the copy of this document provided in parent Appln. No. 09/859,392 and need not be submitted again. Applicants do not have an English translation of WO 99/62481; however, a copy of its U.S. counterpart, Bonte et al U.S. Patent No. 6,471,972 B1, was also provided in the parent. These documents relate to fighting skin aging effects by using an agent to promote adherence of basal layer keratinocytes to the dermal-epidermal junction. The agent is a divalent metal salt or complex, particularly of magnesium. No specific disclosure of use of a manganese salt for any purpose has been noted, and the reference is not considered detrimental to patentability herein.

FR 2791260 was accompanied by two English-language abstracts and a copy of the cover of the corresponding WIPO publication of the PCT counterpart, WO 00/57836, which also includes an English-language abstract, when filed in parent Appln. No. 09/859,392; copies are not required to be filed again. Applicants do not have an available English translation and have been unable to locate an English-language counterpart. Cosmetic and pharmaceutical compositions are described in which the active agents are α -hydroxy acids or α -keto acids or salts or esters or manganese chloride to improve fixation of hyaluronic acid and/or collagen, especially collagen I or collagen IV and/or fibronectin on the surface of skin cells and improve hydration of the dermis and epidermis and prevent or treat skin-aging phenomena and inflammatory phenomena. This is not believed to be detrimental to patentability herein.

FR 2612775 was accompanied by an English-language abstract when filed in Appln. No. 09/859,392; a further copy is not required herein. Applicants do not have an available English translation and have been unable to locate an English-language counterpart of this document. This

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Application No.
Attorney's Docket No. 016800-643
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reference is directed to the use of ascorbic acid for improving the effect of a combination of vitamin A with "physiologically acceptable compounds" such as sulfur, manganese and magnesium on keratinization and sebum production. In all of the examples, the compositions comprise ascorbic acid and a mixture of vegetal abstracts, and sometimes yeast. Bilberry extract is always present in the compositions, which may also comprise soya, artichoke, apricot, spinach and so forth. There is no disclosure of use of a manganese salt per se. The reference is not believed to be relevant to patentability herein.

This Information Disclosure Statement is being submitted within three (3) months of the filing or entry of the national stage of this application or before the first Office Action on the merits, whichever is later. Since this is being filed within the time period set forth in 37 C.F.R. § 1.97(b), no fee or statement is required.

It is requested that the Examiner consider the documents cited by applicants and return an initialed copy of the accompanying Form PTO-1449 to the undersigned with the next official communication.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 22, 2003

By: Mary Katherine Baumeister
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Substitute for forms 1449A/PTO & 1449B/PTO		ATTORNEY'S DKT NO. 016800-643	APPLICATION NO. (Continuation of 09/859,392)
FIRST INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT Isabelle NONOTTE et al.	
		FILING DATE September 22, 2003	GROUP

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation Yes	No
	0424033	A	EP	04-24-1991		
	96/19182	A	WO	06-27-1996		
	0770392	A	EP	05-02-1997	X	
	99/62481	A	WO	12-09-1999	X ¹	
	2791260		FR	09-29-2000	X ²	
	2612775		FR	09-30-1988	X ²	

NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

¹ English abstract; see also English-language counterpart, Bonte et al U.S. Patent No. 6,471,972 B1.

² English abstract only.